

RAIN AND HAIL INSURANCE SERVICE,	)	AGBCA No. 2004-124-F
INC. and RAIN AND HAIL, L.L.C.,	)	(Coastal Bend Interest)
(COASTAL Bend I, II, III and IV),	)	
	)	AGBCA Nos. 2005-107-R
Appellants	)	2005-108-R
	)	2005-109-R
	)	2005-110-R
Representing the Appellants:	)	(Coastal Bend Remand)
	)	
Bruce B. Green, Esquire	)	
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	)	
Representing the Government:	)	
	)	
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### **DECISION OF THE BOARD OF CONTRACT APPEALS**

**June 7, 2005**

**BEFORE POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge WESTBROOK.**

These appeals arise out of Rain & Hail Insurance Service, Inc., AGBCA Nos. 98-195-F, 98-196-F, 98-197-F and 99-125-F, 01-2 BCA ¶ 31,534, decided by the Board July 26, 2001.

The Board's jurisdiction derives from regulations, 7 CFR 24.4(b) and 7 CFR 400.169.

AGBCA No. 2004-124-F, docketed at the Board December 29, 2003, is the appeal of a final administrative determination of the Federal Crop Insurance Corporation (FCIC), assessing interest against Appellant as a result of the Board's decision in Rain & Hail. Pleadings and an appeal file were filed and, thereafter, FCIC filed a Motion to Dismiss. The Board granted Appellant an extension of time in which to respond to the motion, pending taking the deposition of an FCIC

official.

AGBCA Nos. 2005-107-R through 2005-110-R, docketed at the Board October 18, 2004, are remands to the Board from the U. S. District Court for the Southern District of Texas, Rain & Hail Ins. v. F.C.I.C., Civil Action M-01-280 (Sept. 16, 2004), wherein the court vacated the decision of the AGBCA and remanded the case to the Board for further consideration in accordance with its opinion.

During a telephonic conference with the parties on November 1, 2004, Government counsel reported that FCIC did not intend to appeal the district court decision. Appellant's counsel stated that it was involved in settlement negotiations with the Department of Justice, which had represented FCIC in the district court appeal. The parties made subsequent reports to the Board that settlement negotiations were ongoing.

Appellant has now filed Stipulations for Dismissal and Motions for Dismissal of all the above captioned appeals. Appellant seeks dismissals with prejudice with each party to bear its own costs.

**RULING**

The Motions to Dismiss are granted. The appeals are dismissed with prejudice.

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**ANNE W. WESTBROOK**  
Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**  
Administrative Judge

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**JOSEPH A. VERGILIO**  
Administrative Judge

Issued at Washington, D.C.  
June 7, 2005